

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:18-cv-03004-CJN**

ENVIRONMENTAL DEFENSE FUND v. UNITED STATES  
DEPARTMENT OF TRANSPORTATION  
Assigned to: Judge Carl J. Nichols  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/19/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**ENVIRONMENTAL DEFENSE FUND**

represented by **Nathaniel Hemmerick Hunt**  
KAPLAN KIRSCH & ROCKWELL, LLP  
1675 Broadway  
Suite 2300  
Denver, CO 80202  
(303) 825-7000  
Fax: (303) 825-7005  
Email: [nhunt@kaplankirsch.com](mailto:nhunt@kaplankirsch.com)  
**LEAD ATTORNEY**  
**PRO HAC VICE**

**Samantha R. Caravello**  
KAPLAN KIRSCH & ROCKWELL, LLP  
1675 Broadway  
Suite 2300  
Denver, CO 80202  
(303) 825-7000  
Fax: (303) 825-7005  
Email: [scaravello@kaplankirsch.com](mailto:scaravello@kaplankirsch.com)  
**LEAD ATTORNEY**  
**PRO HAC VICE**

**Tyler L. Burgess**  
Kaplan Kirsch Rockwell  
1634 I Street NW  
Suite 300  
Washington, DC 20006  
202-955-5600  
Fax: 202-955-5616  
Email: [tburgess@kaplankirsch.com](mailto:tburgess@kaplankirsch.com)  
**TERMINATED: 06/28/2019**

V.

**Defendant**

**UNITED STATES DEPARTMENT OF  
TRANSPORTATION**

represented by **Derek S. Hammond**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW  
Washington, DC 20530  
(202) 252-2511  
Fax: (202) 252-2599  
Email: [derek.hammond@usdoj.gov](mailto:derek.hammond@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Brian P. Hudak**  
U.S. ATTORNEY'S OFFICE FOR THE  
DISTRICT OF COLUMBIA  
555 Fourth Street, NW

Washington, DC 20530  
 (202) 252-2549  
 Fax: (202) 252-2599  
 Email: [brian.hudak@usdoj.gov](mailto:brian.hudak@usdoj.gov)  
 TERMINATED: 02/13/2019

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 12/19/2018 | <u>1</u> | COMPLAINT for Declaratory and Injunctive Relief against UNITED STATES DEPARTMENT OF TRANSPORTATION ( Filing fee \$ 400 receipt number 0090-5849037) filed by ENVIRONMENTAL DEFENSE FUND. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Civil Cover Sheet, # <u>8</u> Summons U.S. Attorney General, # <u>9</u> Summons U.S. Department of Transportation, # <u>10</u> Summons U.S. Attorney's Office for the District of Columbia)(Burgess, Tyler) (Entered: 12/19/2018)                              |
| 12/19/2018 |          | Case Assigned to Judge Trevor N. McFadden. (zmd) (Entered: 12/21/2018)   |
| 12/21/2018 | <u>2</u> | STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 12/21/2018. (lctnm2) (Entered: 12/21/2018)   |
| 12/21/2018 | <u>3</u> | SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF TRANSPORTATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent) (zmd) (Entered: 12/21/2018)   |
| 01/02/2019 | <u>4</u> | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by ENVIRONMENTAL DEFENSE FUND (Burgess, Tyler) (Entered: 01/02/2019)   |
| 01/02/2019 | <u>5</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Nathaniel Hunt, :Firm- Kaplan Kirsch & Rockwell LLP, :Address- 1675 Broadway, Suite 2300, Denver, CO 80202. Phone No. - (303) 825-7000. Fax No. - (303) 825-7005 Filing fee \$ 100, receipt number 0090-5865955. Fee Status: Fee Paid. by ENVIRONMENTAL DEFENSE FUND (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Burgess, Tyler) (Entered: 01/02/2019)  |
| 01/02/2019 | <u>6</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Samantha R. Caravello, :Firm- Kaplan Kirsch & Rockwell LLP, :Address- 1675 Broadway, Suite 2300, Denver, CO 80202. Phone No. - (303) 825-7000. Fax No. - (303) 825-7005 Filing fee \$ 100, receipt number 0090-5865994. Fee Status: Fee Paid. by ENVIRONMENTAL DEFENSE FUND (Attachments: # <u>1</u> Declaration, # <u>2</u> Text of Proposed Order)(Burgess, Tyler) (Entered: 01/02/2019)   |
| 01/02/2019 |          | MINUTE ORDER granting <u>5</u> Motion for Leave to Appear Pro Hac Vice ; granting <u>6</u> Motion for Leave to Appear Pro Hac Vice. Counsel Nathaniel Hunt and Samantha Caravello shall promptly register for this Court's CM/ECF system. Signed by Judge Trevor N. McFadden on 1/2/2019. (lctnm2) (Entered: 01/02/2019)   |
| 01/29/2019 | <u>7</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/7/2019. Answer due for ALL FEDERAL DEFENDANTS by 2/6/2019. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 1/7/2019. RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF TRANSPORTATION served on 1/12/2019. (Attachments: # <u>1</u> Exhibit)(Burgess, Tyler); Modified text on 1/30/2019 (tth). (Entered: 01/29/2019) |
| 02/06/2019 | <u>8</u> | Consent MOTION for Extension of Time to File Answer by UNITED STATES DEPARTMENT OF TRANSPORTATION (Attachments: # <u>1</u> Text of Proposed Order)(Hudak, Brian) (Entered: 02/06/2019)   |
| 02/07/2019 |          | MINUTE ORDER granting <u>8</u> Motion for Extension of Time. Upon considering the Defendant's <u>8</u> Consent Motion for an Extension of Time, it is hereby ordered that the Defendant shall file its response to the Plaintiff's Complaint on or before February 13,   |

|            |           |  |
|------------|-----------|--|
|            |           | 2019. Signed by Judge Trevor N. McFadden on 02/07/2019. (lctnm2) (Entered: 02/07/2019)   |
| 02/07/2019 |           | Set/Reset Deadlines: Defendant's response to the Plaintiff's Complaint due by 2/13/2019. (hmc) (Entered: 02/07/2019)   |
| 02/13/2019 | <u>9</u>  | NOTICE OF SUBSTITUTION OF COUNSEL by Derek S. Hammond on behalf of UNITED STATES DEPARTMENT OF TRANSPORTATION Substituting for attorney Brian P. Hudak (Hammond, Derek) (Entered: 02/13/2019)  |
| 02/13/2019 | <u>10</u> | ANSWER to Complaint by UNITED STATES DEPARTMENT OF TRANSPORTATION.(Hammond, Derek) (Entered: 02/13/2019)   |
| 02/14/2019 |           | MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before March 14, 2018. Signed by Judge Trevor N. McFadden on 02/14/2019. (lctnm2) (Entered: 02/14/2019) |
| 02/14/2019 |           | Set/Reset Deadlines: Joint Status Report due by 3/14/2019. (hmc) (Entered: 02/14/2019)   |
| 03/14/2019 | <u>11</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF TRANSPORTATION. (Hammond, Derek) (Entered: 03/14/2019)  |
| 03/15/2019 |           | MINUTE ORDER. Upon considering the parties' <u>11</u> Joint Status Report, its is hereby ordered that the parties shall appear for an initial scheduling conference on April 1, 2019, at 10 am in Courtroom 2. Signed by Judge Trevor N. McFadden on 03/15/2019. (lctnm2) Modified on 3/15/2019 (hmc). (Entered: 03/15/2019)   |
| 03/15/2019 |           | Set/Reset Hearings: Initial Scheduling Conference set for 4/1/2019 at 10:00 AM in Courtroom 2 before Judge Trevor N. McFadden. (hmc) (Entered: 03/15/2019)   |
| 04/01/2019 |           | MINUTE ORDER. Upon considering the parties' <u>11</u> Joint Status Report and their representations at the April 1, 2019, Status Conference, it is hereby ordered that the parties shall file a Joint Status Report on or before May 1, 2019, and every 60 days thereafter. The status reports should update the Court on the status of the Defendant's processing of the Plaintiff's request, including what productions have been made to the Plaintiff. Signed by Judge Trevor N. McFadden on 04/01/2019. (lctnm2) (Entered: 04/01/2019)  |
| 04/01/2019 |           | Minute Entry for proceedings held before Judge Trevor N. McFadden: Status Conference held on 4/1/2019. Joint Status Report due by 5/1/2019, and every 60 days thereafter. (Court Reporter: Nancy Meyer.) (hmc) Modified on 4/1/2019 (hmc). (Entered: 04/01/2019)   |
| 05/01/2019 | <u>12</u> | Joint STATUS REPORT by UNITED STATES DEPARTMENT OF TRANSPORTATION. (Hammond, Derek) (Entered: 05/01/2019)  |
| 06/24/2019 |           | Case directly reassigned to Judge Carl J. Nichols. Judge Trevor N. McFadden is no longer assigned to the case. (rj) (Entered: 06/24/2019)  |
| 06/28/2019 | <u>13</u> | NOTICE OF WITHDRAWAL OF APPEARANCE as to ENVIRONMENTAL DEFENSE FUND. Attorney Tyler L. Burgess terminated. (Burgess, Tyler) (Entered: 06/28/2019)  |